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February 12, 2024

Via ECF

Honorable Mae A. D'Agostino
United States District Court
Northern District of New York
445 Broadway
Albany, New York 12207

Re: *Compass-Charlotte 1031, LLC v. Prime Capital Ventures, LLC, et al.*, 24-cv-00055

Dear Judge D'Agostino:

As the Court is aware, I am the Permanent Receiver in this case. I write in response to Third-Party Defendants Kris D. Roglieri, Kimberly Humphrey (a/k/a Kimmy Humphrey), Prime Commercial Lending, LLC, Commercial Capital Training Group, The Finance Marketing Group, National Alliance of Commercial Loan Brokers LLC, and FUPME, LLC's (collectively, the "Third-Party Defendants") request for a pre-motion conference with respect to their filing a motion to dismiss the Third-Party action I have filed.

Of course, I do not object to a conference but suggest that a conference and any granting of permission to file a motion to dismiss should be put in abeyance for the following two reasons in order to save the Court's and parties' resources.

1. The pending motion to disqualify the Hogan Lovells US LLP firm, if granted, would make such a conference moot until such time as new counsel for the Third-Party Defendants may choose to pursue such a strategy rather than working with the Receiver in a cooperative fashion to assist in the recovery Prime Capital Venture LLC's assets.

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2. Within the time provided pursuant to Fed. R. Civ. Pro. 15(a)(1), I intend on filing an amended third-party complaint which will address the perceived deficiencies in the original pleading. The Third-Party Defendants should then have an opportunity to further consider their positions.

Thank you for the Court's kind attention.

Very truly yours,

LEMERY GREISLER LLC

A handwritten signature in blue ink, appearing to read 'Paul A. Levine', is positioned above the printed name.

Paul A. Levine

cc: all counsel via ECF

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